

SENATE BILL REPORT

SHB 1257

As Reported By Senate Committee On:
Judiciary, April 2, 2003

Title: An act relating to the sale or purchase of any dog for fighting purposes.

Brief Description: Using dogs for fighting.

Sponsors: House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Carrell, Haigh, O'Brien and Shabro).

Brief History:

Committee Activity: Judiciary: 3/27/03, 4/2/03 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Staff: Lidia Mori (786-7755)

Background: Participating in or promoting the exhibition of animal fighting is a gross misdemeanor. Persons are prohibited from owning, possessing, keeping or training an animal with the intent to use the animal for animal fighting exhibitions. It is also a gross misdemeanor to cause any animal to injure another for amusement or gain, to allow these activities on any premises under one's control, or to aid and abet in such activities. Spectators may also be punished with a misdemeanor offense. Prior to 1994, this law only applied to dogs.

Current law also prohibits cruelty to animals. Animal cruelty in the first degree consists of intentionally inflicting substantial pain, injury, or death with undue suffering upon an animal, and is a class C felony. Animal cruelty in the second degree consists of inflicting unnecessary pain or suffering upon an animal that does not rise to the level of the first degree offense, and is a misdemeanor. Animal cruelty laws also contain more specific prohibitions on activities such as transporting or confining animals in an unsafe manner, cutting a horse's tail, cutting an animal's ear, and poisoning an animal. There are general exceptions for, among other things, following accepted husbandry practices and slaughtering animals for food.

Summary of Bill: The animal fighting statute is amended to create a gross misdemeanor offense for selling or purchasing a dog with the intent that the dog be used in an animal fighting exhibition. The statute is also amended to make it a gross misdemeanor offense to promote, aid or abet in the purchasing or selling of a dog for use in an exhibition of animal fighting, or to permit these activities on any premises under one's control.

In addition, a provision is added stating that mere ownership or possession of any animal does not create a presumption that the animal is owned for any purposes prohibited under the animal fighting statute.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is needed. There are people that are known to be selling dogs for animal fighting. They may not intend to use them for that purpose themselves but they breed and sell them with the intention that they be utilized for animal fighting. This bill will address this behavior and help put a stop to it.

Testimony Against: None.

Testified: Representative Mike Carrell, prime sponsor; Glen Bui, WA Animal Foundation.